IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 311//1998

MAHALYA Vs. STATE OF RAJASTHAN & ORS.

DATE: 25.01.2007.

HON'BLE MR. K.S. RATHORE, J.

None present for the complainanat petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.
Mr. Umesh Kumar Sharma for
Mr. Anurag Sharma for the accuse-respondents.

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Brief facts of the case are that on 07.07.93 the complainant-petitioner lodged a written report at Police Station Bamanwas, wherein it was alleged that in the morning at 7'O clock, when his brother was trying to get the cows and buffalo out which were entered in his farm, on this account he was chased and beaten up by the accused-respondents. It was also alleged that his brother was taken to hospital at Bamanwas for treatment. On the basis of the said report, a formal FIR was registered and investigation commenced. After completion of investigation challan was filed. The Court below has taken cognizance against the accused, who denied the charges and claimed trial. The

prosecution in support of its case has examined as many as 7 witnesses and got exhibited some documents. The accused-respondents in their statements under Section 313 Cr.P.C. stated that they have been falsely implicated in the case on account of land dispute between the parties. After completion of the trial, the Civil Judge (Jr. Division) & Judicial Magistrate, Bamanwas vide its judgment dated 03.02.98 passed in Criminal Case No. 106/93, has acquitted all the accused-respondents from the offence under Sections 323, 341 and 147 IPC.

I have gone through the record of the case as well as the impugned judgment passed by the trial Court and carefully perused the evidence adduced by the prosecution along with the statements of PW1 to PW7 and the evidence of the accused recorded under Section 313 Cr.P.C.

In cross examination all the witnesses have not corroborated the prosecution story and the prosecution has utterly failed to prove the charges against the accused-respondents. Therefore, the benefit of doubt has been extended in favour of the accused and they have been acquitted from the offence under Sections 147, 323 and 341 IPC.

I find no illegality or error apparent on the face of the record in the impugned judgment dated 03.02.98 passed by the trial Court and the same requires no interference by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/